

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**MARTINA BREMER,
A011-673-653,**

Plaintiff,

v.

Case No. 22-CV-295

**DEPARTMENT OF HOMELAND SECURITY,
et al.,**

Defendants.

ORDER

Plaintiff Martina Bremer filed this action on March 8, 2022, requesting the Court to order the government to change the date of birth on her Naturalization Certificate from November 24, 1955 to December 24, 1954. The plaintiff alleges that the incorrect date of birth was not the result of a clerical error by the United States Citizenship and Immigration Services (“USCIS”); rather, it was due to information understood by the Plaintiff as being accurate at the time her naturalization certificate was issued, which date she has since discovered to be in error.

USCIS has determined that the plaintiff has provided reliable evidence of her correct date of birth, to wit, December 24, 1954. Consequently, USCIS does not oppose the issuance of an order directing: 1) defendant USCIS to reopen the matter in which it previously denied the plaintiff’s Application for Replacement Naturalization/Citizenship Document (Form N-565) and issue a new Naturalization Certificate reflecting plaintiff’s date of birth as December 24, 1954; and 2) dismisses this action, with prejudice, with each

party being responsible for their own costs and fees. The defendants note that the plaintiff concurs with that disposition.

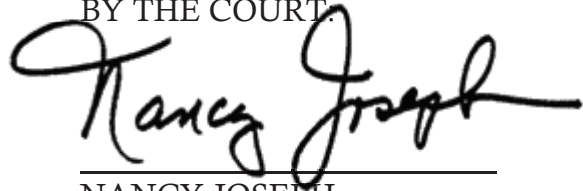
Although USCIS may not have administrative power to change the date of birth on the plaintiff's Naturalization Certificate, the Court has the power to order the amendment. *See Mahamud v. Department of Homeland Security*, Case No. 16-cv-2609 (JRT/HB), 2017 WL 2684224, at *2 (D. Minn. May 9, 2017); *Collins v. U.S. Citizenship and Immigration Services*, 820 F.3d 1096, 1100 (9th Cir. 2016); *Ampadu v. U.S. Citizenship and Immigration Service, Dist. Director*, 944 F.Supp.2d 648 (C.D. Ill. 2013); *Hussain v. United States Citizenship and Immigration Services*, 541 F. Supp. 2d 1083, 1085 (D. Minn. 2008); *Zhang v. United States Department of Homeland Security*, No. 1:06-MC-122, 2007 WL 2156648, at *2 (N.D.N.Y. Jul. 25, 2002); *Cam Tu Trinh v. United States Citizenship and Immigration Services*, No. 09-MC-42 (E.D. Wis. Feb 23, 2010); *Hue Thang Lien v. USCIS, et al*, Case No. 13-CV-1241 (E.D. Wis. Dec. 19, 2013).

Accordingly, **IT IS HEREBY ORDERED** that the Plaintiff's request for amendment to her Naturalization Certificate is **GRANTED**. Defendant USCIS will reopen the matter in which it previously denied the plaintiff's Application for Replacement Naturalization/Citizenship Document (Form N-565) and issue a new Naturalization Certificate reflecting plaintiff's date of birth as December 24, 1954.

IT IS FURTHER ORDERED that this case be **DISMISSED WITH PREJUDICE** without an award of costs or fees to either party.

Dated at Milwaukee, Wisconsin this 12th day of April, 2022.

BY THE COURT:

A handwritten signature in black ink, reading "Nancy Joseph". The signature is written in a cursive style with a horizontal line underneath it.

NANCY JOSEPH
United States Magistrate Judge